

Application Serial No. 09/755,738

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## REMARKS

1. Applicant thanks the Examiner for the Examiner's comments, which have  
5 greatly assisted Applicant in responding.

Applicant thanks the Examiner for his courtesy and assistance during the  
telephone call placed on 29 January 2007. During the telephone call, the  
Examiner agreed that filing an RCE would be best, *i.e.* save time, given the likely  
10 amendment to the claims. Also discussed was the data mart aspect of the  
claimed invention which is not deemed to be disclosed in the prior art of record.  
Applicant apologizes in advance if Applicant has misstated the Examiner's  
remarks during the interview.

- 15 2. 35 USC §103.

Claims 1-48 and 50-85 stand rejected under 35 U.S.C. 103(a) as being  
unpatentable over Roman (Roman, Ernan, "The Underachieving Database,"  
American Demographics Marketing Tolls Supplement, pp: 48-55, June 1996) in  
20 view of Official Notice.

Applicant respectfully traverses. Applicant incorporates herein comments from  
previous responses, namely, discussions regarding and descriptions of the  
claimed invention and of the Roman reference.

25

Nevertheless, Applicant has amended independent Claims 1 and 85 to further  
clarify the invention. Namely, to clarify that the invention is directed to a database  
for marketers across an organization, such that the view of a given customer's  
data is the same across the organization and such that the reporting provides  
30 consistent data per market. Support can be found in the Specification taken as a  
whole and *at least* as follows (emphasis added):

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(On page 3, line 23 through page 4, line 3)

Key to developing such strategies is a methodology for implementing a system **that achieves consistent results**. In the past, custom database solutions were created for a client based upon the client's specified needs. With the development of a standard solution having a consistent hardware/software configuration **and a standard data model for each market**, it is necessary to create a development methodology that contains classic components, such as analysis, design, and implementation, yet that could be customized specific to a multi-channel marketing database.

(On page 83, lines 6-21)

The ODS then serves as the single view of the customer that can be **accessed by marketers across the client organization**. The update process automatically generates updates to **the function-specific data marts that have also been created within the system**. These data marts support reporting and analytics, and campaign management, respectively. Each is tuned to meet the unique functional needs required by third party software tools designed to provide this functionality.

An integral part of the service offering is the reporting to support the marketing efforts. **These reports are unique to the industry supported by the system, e.g. retail, catalog, bankcard, and telecom**, and are generated using the third party reporting software that may be integrated with the system. **They are unique to and dependent upon the data model and incorporated into the solution**. The data model designed for the reporting and analytic data mart also supports direct access by the client using third party software tools, thereby enabling exploration of the data, the generation of new insights, and the creation of predictive and/or descriptive models to optimize marketing efforts and quantify marketing outcomes.

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The Examiner's attention is direct to MPEP 2143 Basic Requirements of a *Prima Facie* Case of Obviousness, *Prima Facie*:

5 To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

10 Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re* *Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

15 In view of the amendment to the independent Claims and of the comments hereinabove, Applicant submits that the Roman reference and the Official Notices do not teach alone or in combination all the claim limitations. Applicant submits that the Roman reference and the Official Notices are silent on and in no way fairly

20 suggest creating a physical standard model for each market in the client's organization nor providing a report which corresponds to each market's physical standard data model. Hence there is not suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Finally,

25 because the Roman reference and the Official Notices are silent on and in no way fairly suggest creating a physical standard model for each market in the client's organization nor providing a report which corresponds to each market's physical standard data model, it is impossible for there to be a reasonable expectation of success. According a *prima facie* case of obviousness has not been established.

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The rejection under 35 U.S.C. 103(a) is deemed overcome. Applicant respectfully requests that the Examiner withdraw the rejection.

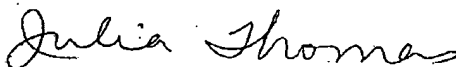
3. It should be appreciated that the claims are amended only for the purpose of expediting prosecution, and not for establishing patentability. The Examiner is not to interpret Applicant's action as an agreement with the Examiner's findings. Furthermore, Applicant expressly reserves the right to pursue patent protection for the broader claims in a future application.

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## CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent. The Examiner is invited to contact Applicant's Attorney at 408-474-8400 to discuss the response.

Respectfully Submitted,



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